

AMENDED IN SENATE APRIL 20, 2015

**SENATE BILL**

**No. 262**

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**Introduced by Senators Galgiani and Anderson**

February 18, 2015

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An act to add Chapter 4 (commencing with Section 11470) to Title 1 of Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 262, as amended, Galgiani. Unmanned aircraft systems: law enforcement use.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing state law generally regulates the use of surveillance technology by a law enforcement agency.

This bill would specifically authorize a law enforcement agency to use an unmanned aircraft system if the use of the unmanned aircraft system complies with *certain conditions, including, among others*, protections against unreasonable searches guaranteed by the United States Constitution and the California Constitution, federal law applicable to the use of an unmanned aircraft system by a law enforcement agency, and state law applicable to a law enforcement agency's use of surveillance technology that can be attached to an unmanned aircraft system. *The bill would prohibit a law enforcement*

*agency from using an unmanned aircraft system to conduct surveillance of private property unless the law enforcement agency has obtained a search warrant, the person or entity with the legal authority to grant access to the private property grants the law enforcement agency permission to access the property, or an exigent circumstance exists. The bill would define law enforcement agency and unmanned aircraft system for these purposes. The bill would also make related findings and declarations.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Federal Aviation Administration currently conducts a
- 4 comprehensive operational and technical review of all public
- 5 agency applications to operate an unmanned aircraft system. Law
- 6 enforcement agencies that wish to operate an unmanned aircraft
- 7 system can do so only after receiving a certificate of authorization
- 8 or waiver from the Federal Aviation Administration.
- 9 (b) Technological advancements and the utilization of new
- 10 technologies are essential in supporting law enforcement agencies'
- 11 missions of preventing and fighting crime.
- 12 (c) The responsible use of unmanned aircraft systems by law
- 13 enforcement agencies is both an efficient and effective use of
- 14 emerging technology.
- 15 (d) A law enforcement agency's ability to share information
- 16 acquired through the use of technology attached to unmanned
- 17 aircraft systems is directly related to the profession's ability to
- 18 solve crimes.
- 19 (e) The Fourth Amendment to the United States Constitution
- 20 protects against unreasonable searches by law enforcement
- 21 agencies, including searches conducted with advanced
- 22 technologies.
- 23 SEC. 2. Chapter 4 (commencing with Section 11470) is added
- 24 to Title 1 of Part 4 of the Penal Code, to read:

CHAPTER 4. UNMANNED AIRCRAFT SYSTEMS

11470. (a) A law enforcement agency may use an unmanned aircraft system if the use of the unmanned aircraft system complies with all of the following:

(1) Protections against unreasonable searches guaranteed by the United States Constitution and the California Constitution.

(2) Federal law applicable to the use of an unmanned aircraft system by a law enforcement agency, including, but not limited to, regulations of the Federal Aviation Administration.

(3) State law applicable to a law enforcement agency's use of surveillance technology that can be attached to an unmanned aircraft system, including, but not limited to, Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1.

*(4) The law enforcement agency has received approval from its local governing body to use an unmanned aircraft system.*

*(5) The law enforcement agency has created a written policy on the use of an unmanned aircraft system and has trained the individuals using the unmanned aircraft system on the policy.*

*(b) A law enforcement agency shall not use an unmanned aircraft system to conduct surveillance of private property unless any of the following apply:*

*(1) The law enforcement agency has obtained a search warrant.*

*(2) The person or entity with the legal authority to grant access to the private property grants the law enforcement agency written consent to access the property.*

*(3) An exigent circumstance exists.*

~~(b)~~

*(c) For purposes of this chapter, the following definitions shall apply:*

(1) "Law enforcement agency" means the police or sheriff's department of a city, county, or city and county.

(2) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(3) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the

- 1 unmanned aircraft that are required for the pilot in command to
- 2 operate safely and efficiently in the national airspace system.

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